



(As presented to the NYSOA on 4/14/09)

ADMINISTRATIVE PROVISIONS OF THE 2008 CONSTRUCTION CODES

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Division of Technical Affairs

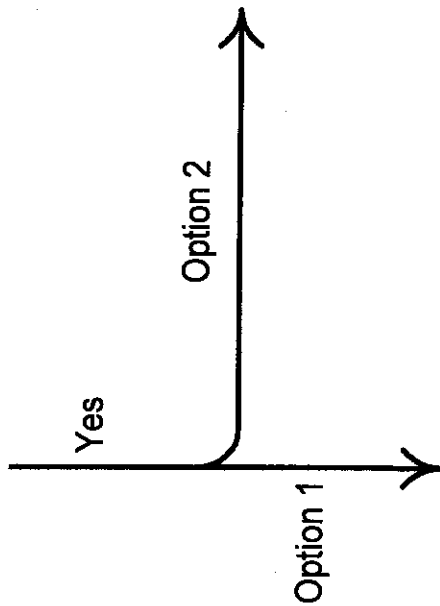


- 1) Administrative provisions
for new buildings & alterations**
- 2) Proper citations for 2008 Code**

New Buildings

Application submitted*
before July 1, 2009?

1968 Code**, except that the following must
comply with the 2008 Code:



2008 Code

1. Administration, including:
 - Fees
 - Approval of construction documents
 - Issuance of permits
 - Issuance of certificate of occupancy
 - Special inspections
 - Use of materials
2. Enforcement, violations, fines, penalties
3. Safety of public and property during construction (BC Chapter 33)

* Submission of application for construction document approval

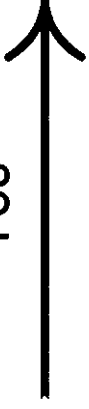
** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

New Buildings

Application submitted*
on/after July 1, 2009?

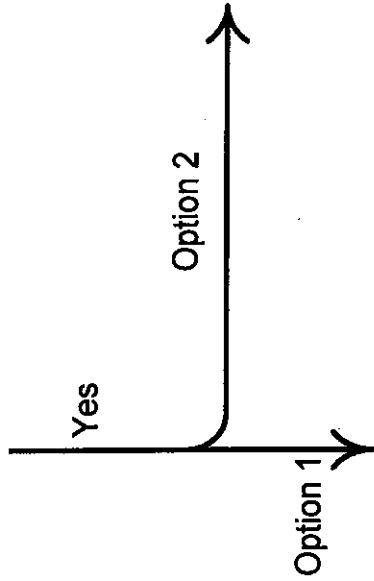
Yes



2008 Code

Alterations to Existing Buildings

Application submitted*
before July 1, 2009?



2008 Code**

1968 Code***, except that the following must comply with the 2008 Code:

1. Administration, including:
 - Fees
 - Approval of construction documents
 - Issuance of permits
 - Issuance of certificate of occupancy
 - Special inspections
 - Use of materials
2. Enforcement, violations, fines, penalties
3. Safety of public and property during construction (BC Chapter 33)

* Submission of application for construction document approval

** The 2008 Code cannot be elected where the 2008 Code provisions as applied to the particular building would result in a reduction in fire safety or structural safety. As an alternative, the entire building may be made to comply with 2008 Code

*** In addition, this option remains available only if:

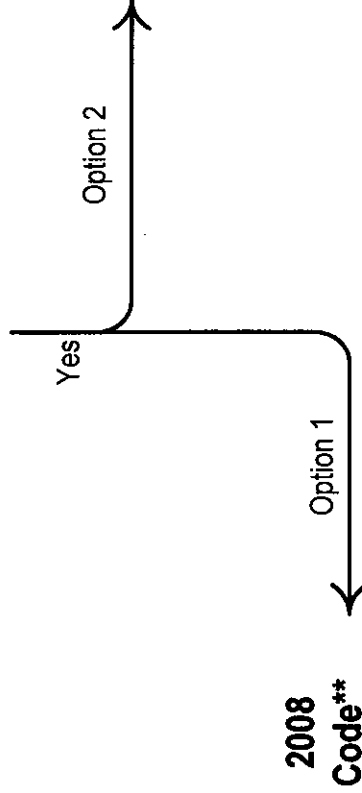
- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

Alterations to Existing Buildings

1968 Code, including provisions that allow in certain instances the use of the 1938 Code, except that the following must comply with the **2008 Code**:

1. Administration, including:
 - Fees
 - Approval of construction documents
 - Issuance of permits
 - Issuance of certificate of occupancy
 - Special inspections
 - Use of materials
2. Enforcement, violations, fines, penalties
3. Safety of public and property during construction (BC Chapter 33)
4. Plumbing work (PC)
5. Fuel gas work (FGC)
6. Mechanical work (MC)
7. Fire protection (sprinkler, standpipe, alarms) (BC Chapter 9)
8. Elevators, conveyors and amusement (BC Chapter 30)
9. Accessibility for the entire building as if hereafter erected when exceeding 50% of building value or when changing the main use or dominant occupancy (BC Chapter 11)
10. Encroachments into the public right of way (BC Chapter 32)

Application
submitted* on/after
July 1, 2009?



**2008
Code****

* Submission of application for construction document approval

** The 2008 Code cannot be elected where the 2008 Code provisions as applied to the particular building would result in a reduction in fire safety or structural safety. As an alternative, the entire building may be made to comply with 2008 Code



Michael R. Bloomberg
Mayor
Robert D. Lillandri
Acting Commissioner

Interim Requirements for Alteration, D14 and Professionally-Certified Applications

With the implementation of the New York Construction Codes, applicants may now choose to use the 1968 Building Code or the New York Construction Codes for new construction. Between July 1, 2008 and December 31, 2008, applicants submitting alteration, professionally-certified and D14 applications under the New Codes must comply with certain interim requirements.

Alteration Types 1 and 2

Applicants may not use the 2008 Building Code for Alteration Type 1 and Type 2 applications unless they provide a fire safety and structural systems analysis (including means of egress). This analysis must demonstrate either: 1) the entire building complies with the 2008 Building Code; or 2) the scope of work performed under the application does not lower the building's fire and structural safety below the applicable standards when the building was lawfully constructed.

Please note that this analysis is not required for the following alteration work:

- a. Plumbing systems;
- b. Automatic sprinkler systems;
- c. Standpipe systems;
- d. Fire alarm systems;
- e. Mechanical systems;
- f. Elevators; and
- g. Work related to accessibility that does not affect fire resistance related construction.

Professionally-Certified Applications

New Building Applications. The Department will perform additional reviews of professionally-certified New Building applications submitted under the New York Construction Codes. In addition to confirming Zoning Resolution compliance, the Department will check that applications have the required means of egress and fire protection systems.

Alteration Types 1 and 2 Applications. Applicants submitting professionally-certified Alteration Types 1 and 2 applications must also submit an analysis of the fire safety and structural system as detailed above.

Directive 14 Applications

The Department will not accept any D14 applications submitted under the New York Construction Codes. D14 applications that comply with the 1968 Building Code will continue to be accepted.

Information You Need To Know!

Visit our website at www.nyc.gov/buildings for more information.

Post July 1, 2008 Remove: December 31, 2008



Michael R. Bloomberg
Mayor
Robert D. L. Mendin
Acting Commissioner

Information Requirements for Alterations, D14 and Professionally-Certified Applications

With the implementation of the new Building Code for the New York City Department of Buildings, effective December 31, 2008, all applications for alterations, D14 applications and professionally-certified applications must comply with certain information requirements.

Alteration Types

Applicants may not submit applications for alterations (including means of egress) unless the building complies with the applicable standards under the application of the following alteration work:

Please note that this analysis applies to the following alteration work:

- a. Plumbing
- b. Automatic fire alarm systems
- c. Stairways
- d. Fire escape
- e. Means of egress
- f. Fire protection
- g. Fire alarm

Professionally-Certified Applications

New Building Department will not accept any D14 applications submitted under the New NYC Construction Codes. D14 applications that comply with the 1968 Building Code will continue to be accepted.

Applicants submitting professionally-certified applications for alterations must submit an analysis of the fire safety system as detailed above.

Directly Affected Applications

The Department will not accept any D14 applications submitted under the New NYC Construction Codes. D14 applications that comply with the 1968 Building Code will continue to be accepted.

Visit our website at www.nyc.gov/buildings for more information.

Post: July 1, 2008. Renewed: December 31, 2008.

Reduction in Fire/Structural Safety

§28-101.4.4 Alterations that reduce the fire safety or structural safety of existing buildings. Notwithstanding any other provision of this code, where the alteration of any existing building in accordance with a provision of this code would result in a reduction of the fire safety or structural safety of such building, relevant provisions of the 1968 building code shall apply to such alteration unless there is full compliance with those provisions of this code that would mitigate or offset such reduction of fire protection or structural safety.

Sample Objection

28-101.4.4	Provide analysis showing that the 1-hour rating of the proposed new partition to enclose the boiler room would not reduce fire safety below what would be required by the 1968 code.
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DEPARTMENT OF BUILDINGS CERTIFICATE OF OCCUPANCY

AMENDED
115782

BOROUGH MANHATTAN DATE **OCT 29 1931** NO. **115350** ZONING DISTRICT **C5-3, C6**
 This certificate supersedes C.O. NO. **115350** located at **Block [redacted] Lot [redacted]**
 THIS CERTIFIES that the ~~work~~ altered ~~structure~~—building—premises located at **350 5TH AVENUE**

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS LBS. PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING ORDINANCE DAYS LIMITS	BUILDING CODE ARTICLE NUMBER	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
SUB-BASEMENT	O.G.	540			649		OFFICES, SCHOOLS, BEAUTY SCHOOL MECHANICAL PLANT, SHOWROOMS
BASEMENT	100	1274			640	COMM.	RESTAURANT, STORES & SHOWROOMS
1ST FLOOR	75	66			6	F1	THEATER
2ND FLOOR	75	500			6		STORES
3RD TO 5TH FLOORS	75	500			6	F1b F-3	STORES MUSIC & THEATRICAL STUDIOS FOR TOURISTS
6TH TO 17TH FLOORS	50	400			6		STORES EACH FLOOR
18TH FLOOR ROOM 1814	50	320			6		OFFICES EACH FLOOR
19TH FLOOR	50	314			649		OFFICES & TRADE SCHOOL
20TH FLOOR	50	6			6		OFFICES & BANK
21ST FLOOR	50	220			6		OFFICES & BANK
22ND TO 24TH FLOORS	50	320			6	COMM.	OFFICES
		200			6		OFFICES EACH FLOOR
		220			6		OFFICES EACH FLOOR

Why not continue 1968 code designations?

Sample C of O:

- First floor: F-2 (1968) (assembly)
- Second Floor: F-2 (2008) (industrial)
- Third Floor: Pub. (prior to 1968)
- Forth floor: Res. (prior to 1968)
- Fifth Floor: R-2 (2008)
- Sixth Floor: J-2 (1968)

• These fields shows up on C of O:

1 Location Information Required for all applications.

House No(s) _____ Street Name _____ C. B. No. _____

Borough _____ Block _____ Lot _____ BIN _____

Work on Floor(s) _____ Apt. / Condo No(s) _____

3 Filing Representative Complete only if different from Section 2. Fax, mobile phone, and e-mail are optional info.

Last Name _____ Middle Initial _____

Business Name _____ Business Telephone _____

Business Address _____ Business Fax _____

City _____ State _____ Mobile Telephone _____

E-Mail _____ Registration Number _____

This question populates the "This building is subject to this Building Code" on Page 1, Section A of the CO for New Buildings ONLY.

4 Filing Status Required for all applications. Choose one and provide specified associated information.

Initial Filing 5, 7, 11, 12A, 25-26 Prior to Approval Actions 25-26 Reinstatement 24-26

Review is requested under which Building Code? Amend Existing Filing 4A Withdrawal 25-26

2008 1968 Prior to 1968 Subsequent Filing 6-7, 8A (Alt-2 only), 11 Specified in 4A and 6

Choose Standard Plan Examination or Review Post Approval Amendment (PAA) 4A, 6, 24-25 Entire Job

one: Professional Certification PC1, POC1 Will PAA affect filing fees? Yes No 4A Indicate existing document number affected by filing:

Self Certification of Objections A11 New Applicant 4A, 25-26

- These fields shows up on C of O:

13 Building Characteristics *Main use/dominant occupancy per AC §28-101.5. **Use 2008 Code equivalents only.

13A Primary structural system, choose one: Masonry Concrete (CIP) Concrete (Precast) Steel (Cold-Formed) Steel (Encased in Concrete)

13B Existing Proposed

Structural Occupancy Category	2008 Code Designations?	2008 Code Designations?
Seismic Design Category	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes** <input type="checkbox"/> No
Occupancy Classification*	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Construction Classification		
Multiple Dwelling Classification		

13C Building Type: 1, 2, or 3 Family Other
 Mixed use building? Yes No
 Existing Proposed

13E Building Height _____ ft.
 Building Stories _____
 Dwelling Units _____

13F Building was originally erected pursuant to which Building Code: 2008 1968 Prior to 1968
 The earliest Code with which this building or any part of it is required to comply: 2008 1968 Prior to 1968

14 Fill Choose one.
 Not Applicable On-Site Off-Site Under 300 cubic yards

15 Construction Equipment

Chute Sidewalk Shed Construction Material: _____ ft.
 Fence Size: _____ linear ft. BSA/MEA Approval No. _____
 Supported Scaffold Other: _____

16 This question populates the "This building is subject to this Building Code" on Page 1, Section A of the CO for Alteration 1s ONLY.

- These fields shows up on C of O:

17 Tax Lot Characteristics	18 Fire Protection Equipment															
Original tax lots being merged or reapportioned (if applicable):												Existing Yes	No	Proposed Yes	No	
Tentative tax lot numbers (new tax lots only):												Fire Alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
												Fire Suppression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
												Sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
												Standpipe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19 Open Spaces												20 Site Characteristics				
				Existing		Proposed		Existing		Proposed						
Plaza Area		sq. ft.		sq. ft.		Arcade Area		sq. ft.		sq. ft.						
Parking Area		sq. ft.		sq. ft.		Parking Spaces										
Loading Berths		sq. ft.		sq. ft.		Loading Berths										
Yes No												Tidal / Fresh Water Wetlands				
												<input type="checkbox"/>				
												Urban Renewal				
												<input type="checkbox"/>				
												Fire District				
												<input type="checkbox"/>				
												Flood Hazard Area				
												<input type="checkbox"/>				



Certificate of Occupancy

CO Number: [REDACTED]

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. This document or a copy shall be available for inspection at the building at all reasonable times.

A. Borough: Staten Island Address: [REDACTED] AVE Building Identification Number (BIN): [REDACTED]	Block Number: [REDACTED] Lot Number(s): [REDACTED] Building Type: Altered	Certificate Type: Final Effective Date: 08/22/2008 Expiration Date: 09/15/2012
This building is subject to this Building Code: 1968 Code		
For zoning lot metes & bounds, please see BISWeb.		
B. Construction classification: 1-D	(1968 Code designation)	
Building Occupancy Group classification: E	(2008 Code)	
Multiple Dwelling Law Classification: None	No. of stories: 1	Height in feet: 18
C. Fire Protection Equipment: None associated with this filing.	No. of dwelling units: 0	
D. Type and number of open spaces: None associated with this filing.		
E. This Certificate is issued with the following legal limitations: None		
Overall Comments: None		



2) Proper citations for 2008 Code

2008 Codes Organization

28-100s	Administration
28-200s	Enforcement
28-300s	Maintenance of Buildings
28-400s	Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work
28-500s	Miscellaneous Provisions
28-600s	Plumbing Code (Includes Chapters 1 through 13 of the PC)
28-700s	Building Code (Includes Chapters 1 through 36 of the BC)
28-800s	Mechanical Code (Includes Chapters 1 through 15 of the MC)
28-900s	Fuel Gas Code (Includes Chapters 1 through 13 of the FGC)

NYC ADMINISTRATIVE CODE

ARTICLE 701

ENACTMENT AND UPDATE OF THE NEW YORK CITY BUILDING CODE

§28-701.1 Update. No later than the third year after the effective date of this section 701.1 and every third year thereafter, the commissioner shall submit to the city council proposed amendments that he or she determines should be made to this code to bring it up to date with the latest edition of the International Building Code or otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner pursuant to this title for review and comment.

§28-701.2 Enactment of the New York city building code. The New York city building code based on the 2003 edition of the International Building Code published by the International Code Council, with changes that reflect the unique character of the city, is hereby adopted to read as follows:

CHAPTER 1
ADMINISTRATION
SECTION BC 101
GENERAL

101.1 Title. This code shall be known and may be cited as the “New York City Building Code,” “NYCBC” or “BC”. All section numbers in this code shall be deemed to be preceded by the designation “BC”.

101.2

Good Citation	Bad Citation
28-101.4	AC 101.4 28.101.4

Administration

§28-101.4.4 Alterations that reduce the fire safety or structural safety of existing buildings. Notwithstanding any other provision of this code, where the alteration of any existing building in accordance with a provision of this code would result in a reduction of the fire safety or structural safety of such building, relevant provisions of the 1968 building code shall apply to such alteration unless there is full compliance with those provisions of this code that would mitigate or offset such reduction of fire protection or structural safety.

Good Citation	Bad Citation
BC 1107.3	28-1107.3 1107.3

Building Code

1107.3 Accessible spaces. Rooms and spaces available to the general public or available for use by residents of Accessible units or Type B units shall be accessible. Accessible spaces shall include, but not be limited to, spaces for residents' use, such as laundry rooms, refuse disposal and storage locations, mailbox areas, recreational facilities, assembly and tenants' meeting rooms, storage rooms, parking areas, toilet and bathing rooms, kitchen, living and dining areas, any exterior spaces, including patios, terraces and balconies, management offices, and stores.

Good Citation	Bad Citation
PC 1101.2.1	Plumbing 1101.2.1

Plumbing Code

1101.2.1 Increases in existing impervious surfaces. Whenever an alteration increases impervious surfaces on the lot to greater than 20 percent of the impervious surfaces existing when the structure was constructed, such impervious surfaces shall drain into a storm sewer system, or a combined sewer system, or to an approved place of disposal.

Exception: Where the total area of impervious surfaces proposed to be increased by an alteration after the effective date of this code is less than or equal to 1,000 square feet (93 m²).

Good Citation	Bad Citation
BC G106.2 (Appendix G)	G106.2

Building Code

G106.2 Spaces subject to flooding in A-Zones. The certificate of occupancy shall describe all non-dryfloodproofed spaces below the design flood elevation as “subject to flooding,” including but not limited to wet floodproofed spaces usable solely for parking, storage, building access or crawl spaces.

Good Citation	Bad Citation
BC 1024.8, Exception 1	BC 1024.8.1
BC 1024.8, Exception #1	BC 1024.8(#1)
BCC 1024.8 (Exception 1)	BC 1024.8 E1

Building Code

1024.8 Common path of travel. The common path of travel shall not exceed 30 feet (9144 mm) from any seat to a point where a person has a choice of two paths of egress travel to two exits.

Exceptions:

1. For areas, such as box seats, galleries or balconies, serving not more than 50 occupants, the common path of travel shall not exceed 75 feet (22 860 mm).
2. For smoke-protected assembly seating, the common path of travel shall not exceed 50 feet (15 240 mm).

Good Citation	Bad Citation
FGC 404.1, Item 5	FGC 404.1.5
FGC 404.1 (Item 5)	FGC 404.1(5)

Fuel Gas Code

404.1 Prohibited locations. Piping shall not be installed in or through a circulating air duct, trash or clothes chute, chimney or gas vent, ventilating duct, dumbwaiter or elevator shaft. Piping, fixtures, or equipment shall be located so as not to interfere with the normal operation of windows or doors and other exit openings. The following installation limitations shall apply:

1. **Stair enclosures.** Gas piping shall not be installed within a stair enclosure or required exit or exit way.
2. **Fire standpipe riser.** Gas piping shall not be installed in any shaft containing standpipe risers.
3. **Fire pump.** Gas piping or gas consumption devices or any other gas equipment shall not be installed within any space housing a fire pump.
4. **Fire-rated construction.** Gas piping shall not be installed within concealed spaces of fire-rated construction.
5. **Public corridor.** Gas piping shall not be installed in public corridors providing access to required exits.

Good Citation	Very Bad Citation
28-104.7.1	27-157

Administration

§28-104.7.1 Scope. Construction documents shall be complete and of sufficient clarity to indicate the location and entire nature and extent of the work proposed, and shall show in detail that they conform to the provisions of this code and other applicable laws and rules; if there exist practical difficulties in the way of carrying out the strict letter of the code, laws or rules, the applicant shall set forth the nature of such difficulties.

§[C26-110.2] 27-157 Plans required.- All such applications shall be accompanied by architectural, structural, and mechanical plans, which shall be complete and of sufficient clarity to indicate the entire nature and extent of the proposed construction work and its compliance with the provisions of this code and other applicable laws and regulations. Composite plans

Excerpts from LL 33/07

- §7. Sections 27-118.1, 27-124, 27-125, 27-126, 27-127, 27-128, 27-129, 27-130, 27-131, 27-132, 27-133, 27-134, 27-135, 27-136 and 27-137 of the administrative code of the city of New York are REPEALED.
- §8. Articles 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 27 of subchapter 1 of chapter 1 of title 27 of the administrative code of the city of New York are REPEALED.
- §9. Subchapter 19 of chapter 1 of title 27 of the administrative code of the city of New York is REPEALED.

§(C)26-124-2] 27-228.1 allowed commences. No person shall with knowledge or notice of a stop-work order, commence or cause to be commenced any work covered by such order, except such work as is directed to be performed to remove the violation or the dangers or unsafe conditions.

ARTICLE 25 [REPEALED]

FIRE PROTECTION PLAN

§(C)26-124-1] 27-129.1 Applicability. This article shall apply to the following buildings and building sections:

- (a) High rise buildings or building sections exceeding seventy-five feet in height.
- (b) Buildings or building sections classified in occupancy group A, B, C, D, E or G which are two or more stories in height with over twenty thousand gross square feet per floor or are two or more stories in height with a total building floor area exceeding fifty thousand gross square feet.
- (c) Any building containing an assembly use having an occupant load of three hundred or more persons.
- (d) Buildings or building sections classified in occupancy group H or J-1 which are two or more stories in height and contain sleeping accommodations for thirty or more persons.
- (e) Buildings or building sections classified in occupancy group J-2 which contain thirty or more dwelling units and over ten thousand gross square feet of floor area used for mercantile, assembly, educational or institutional purposes.
- (f) Alterations to a building or building section listed in subdivisions (a) through (e) of this section, if the cost of the alterations, computed in accordance with section 27-110, exceeds one million dollars or involves a change of use.

§(C)26-124-2] 27-128.1 Scope.

- (a) The plan shall include the following information, where applicable:
 - (1) Building description: address, block and lot numbers; number of stories; height in feet; occupancy group; construction classification; occupancy load and department of building application number.
 - (2) Key plans showing all floors, exits, corridors, partitions serving as fire separations or fire divisions, locations and number of required enclosures, stairs with pressurization,

(4) Prove that the fire safety plan, if required, has been filed with the fire department and accepted by that department.

§(C)26-124-3] 27-228.3 General Requirements. A fire protection plan, as defined in subchapter two shall be filed with the department by a registered architect or licensed professional engineer whose seal and signature shall be on the plan.

§(C)26-124-4] 27-228.4 Retroactivity. The requirements of this article shall apply to all alterations to, and construction of, buildings listed in section 27-228.1 in progress and not yet completed on March twenty seventh, nineteen hundred eighty-four.

ARTICLE 26 SPECIAL FILING REQUIREMENTS

§(C)26-125.1] 27-228.5 General requirements. (a) Owners of all existing buildings which are required to comply with the provisions of subdivision (a) of section 27-353.1 (elevator vestibules), section 27-381 and subdivision (b) of section 27-382 (exit lighting), subdivision (b) of section 27-384 (exit signs), section 27-396.3 (signs in sleeping rooms), section 27-777.2 (ventilation in J-1 buildings), subdivision (b) of section 27-929 (sprinklers, fire alarm systems, fire command and communication systems), paragraph two of subdivision (c) of section 27-989 (elevators in readiness), section 27-996.1 (locks on hoistway doors) and section 27-996.2 (firemen's service) shall file with the department a report on or before April first, nineteen hundred eighty-seven certifying to the installation of the required fire protection systems in accordance with approved plans and appropriate permits prior to such date. Owners of all existing buildings not already subject to the requirements of article nine of subchapter six of this chapter as of January eighth, nineteen hundred seventy-three shall file with the department a report on or before October



QUESTIONS?